

DANIEL T. SATTERBERG
PROSECUTING ATTORNEY



Office of the Prosecuting Attorney
CRIMINAL DIVISION
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John R. Batiste, Chief
Washington State Patrol
General Administration Building
P.O. Box 42600
Olympia WA 98504-2600

May 8, 2012

Re: Review of Criminal Investigation

Dear Chief Batiste:

On April 10, 2012, The State Patrol agreed to investigate, and the King County Prosecutor's Office agreed to review, an allegation of possible wrong-doing by a command-level officer within the Seattle Police Department. This investigation arose out of specific allegations that were provided by the Department of Justice. As you are aware, your detectives concluded their investigation late last week.

The completed investigative materials were sent to this office yesterday, May 7, 2012. I have subsequently reviewed the reports, concerning three separate events, and analyzed whether there is evidence of criminal wrongdoing in the materials provided.

The three matters referred by the Department of Justice and which were investigated by the State Patrol include:

- Exerting undue influence at the scene of a traffic accident that involved a family member;
- Exerting undue influence in the selection of materials to be used in a promotional exam;
- Exerting undue influence in soliciting donations from SPD employees in support of Special Olympics.

This office's review is limited to the question of criminal liability on these three matters. The primary question was whether there was proof of Official Misconduct: "A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege (a) he intentionally commits an unauthorized act under color of law..." RCW 9A.80.010. Official misconduct is a gross misdemeanor. The State Patrol uncovered no evidence to support a conclusion that there was a criminal law violation.

I wish to thank the investigators for the courtesy and professionalism. Please feel free to contact me should you have any questions or concerns.

Sincerely,


Mark Larson
Chief Criminal Deputy, King County Prosecuting Attorney's Office

CC: Jenny Durkan, United States Attorney, Western District of Washington
Peter Holmes, Seattle City Attorney